IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4002 OF 2006

Nana Bapu Tahasildar. .. Petitioner.

vs.

Ramchandra Nana Dafale

& Ors. . .. Respondents.

Mr. M.R. Suryawanshi for petitioner.

CORAM : A.P. DESHPANDE, J.

DATE : 7th December, 2006.

P.C.

. The plaintiff/petitioner instituted a sui against the respondents claiming the relief of injunction simplicitor and therein moved an application claiming temporary injunction. The trial court allowed the application and granted temporary injunction as prayed by the petitioner. Dissatisfied by the said order the respondents preferred a Misc. Civil Appeal before the District Judge and the District Judge partly allowing the appeal has modified the order passed by the trial court. The modification is to the effect that the defendants nos. 1 and 2 are restrained from causing any obstruction to the peaceful possession of the

plaintiff over the suit property bearing house no. 58-B i.e. Eastern half portion of house property No. 58 till final decision of the regular civil suit bearing No. 11 of 2005. The modified order is operative for last about 10 months.

2. In the facts of the present cae, I do not feel it necessary to interfere with the order passed by the First Appellate Court. However, the ends of justice could be met by directing the trial court to decide the suit as expeditiously as possible. The learned counsel for the petitioner submits that the trial Court should decide the suit uninfluenced by the observations made by the first appellate court in the impugned order.

3. In the result, though the writ petition is summarily rejected, I direct the trial court to decide regular civil suit No. 11 of 2005 as expeditiously as possible and in any case within six months from today. Needless to mention that as the observations made in the impugned order are prima facie in nature dealing with the grant of temporary injunction, the same will not weigh with the trial Court while deciding the suit on merits.

(A.P. Deshpande, J.)